

November 19, 2018

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation
GN Docket Nos. 17-183, 18-122**

Dear Ms. Dortch:

On November 15, 2018, representatives of the C-Band Alliance (“CBA”), Intelsat, SES, and Auctionomics listed in Attachment A (the “Parties”) met with representatives from the Commission listed in Attachment B.

During the meeting, the Parties discussed the CBA’s market-based proposal (“Market-Based Approach”), whereby the CBA will clear a portion of spectrum in the 3.7-4.2 GHz band (“C-band Downlink”) and enter into secondary market agreements to make the cleared spectrum available for mobile broadband use while protecting critical Fixed Satellite Service (“FSS”) operations.¹ The Parties distributed the attached presentation (Attachment C), noting the importance of expeditiously bringing a portion of the C-band Downlink spectrum into the wireless marketplace so that the United States is able to keep pace with terrestrial 5G deployments in other countries. The CBA stressed the balanced nature of the proposal, including an open, fair, and transparent process.

Specifically, the Parties highlighted the widespread support in the record for the Market-Based Approach across a broad spectrum of affected entities, including C-band satellite operators, wireless carriers, content distributors, broadcasters, equipment providers, and many others. The Parties emphasized that mid-band spectrum is essential to ensuring that terrestrial 5G is available to all Americans, not just those in urban corridors, and the CBA has engaged with small and rural mobile operators and their trade associations to ensure that their needs are met. Given the tremendous public interest benefits that will be generated by the Market-Based Approach and the multi-billion dollar investments in the C-Band Downlink made by FSS operators and their customers, the Parties explained that any concerns regarding a potential “windfall” are misplaced.

In addition, Intelsat and SES described the detailed process used by the CBA members to test assumptions and reassess their initial analysis to determine whether they could free up further spectrum for terrestrial 5G use while still continuing to provide 99.999% reliable C-band services to their customers. In particular, they surveyed customers’ current and near term needs and analyzed how many more satellites could be launched into their licensed orbital locations, while committing to offer other members in-orbit capacity (in full compliance with antitrust regulations). The CBA

¹ See Comments of the C-Band Alliance, GN Docket No. 18-122 *et al.*, at 3-5 (filed Oct. 29, 2018).

members also determined that they could reduce the proposed guard band from 50 MHz to 20 MHz based on newly designed and optimized band-pass filters, validated by over-the-air test results with live satellite signals in the presence of adjacent 5G transmissions. After months of hard work, the CBA members determined that they could voluntarily free up to 200 MHz (including a 20 MHz guard band to protect adjacent services) within 18-36 months of a final FCC order.

Intelsat and SES also presented details regarding the 18-to-36-month clearing timeline and the satellite launch schedule to add capacity for continued FSS operations in the remaining upper 300 MHz of the C-band Downlink. SES and Intelsat noted that their ability to meet this clearing target is based on several critical assumptions, including that new satellites must be built and launched in time to complete all of the necessary transitions. Both Intelsat and SES have made significant progress in defining the satellite design and have down-selected from multiple request-for-proposal respondents three potential manufacturers (all located in the U.S.). And the sooner the CBA has visibility on an upcoming FCC order, the sooner it can commit very significant funding to the satellite manufacturers.

Finally, representatives of Intelsat and SES separately presented confidential and competitively sensitive information (without the presence of the other company) demonstrating the intricate methods and tools each company will utilize to groom and repack existing customers out of the spectrum coordinated for mobile use. SES and Intelsat each explained their internal plans to make up to 180 MHz available for mobile use, including regrooming traffic, adding more satellites, and ensuring high-quality satellite reception through filters and mitigation techniques. They separately presented a snapshot of the current loading of cable arc and broadcast arc satellites and explained how that loading could be adjusted and the users repacked to clear the relevant number of transponders in an 18-36 month time period, while still maintaining the high quality of service to existing video distribution customers.

The presentations reinforced that 200 MHz is a clearing target that each operator can accomplish reasonably within 18-36 months following a final Commission order, while ensuring the continued availability of the highly reliable service to existing video and audio customers.

This notice is filed pursuant to FCC Rule 1.1206; please contact the undersigned with any questions regarding this letter.

Respectfully submitted,

/s/ Michele C. Farquhar

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Partner

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Attachments

cc: Don Stockdale
Thomas Sullivan
Julius Knapp

Attachment A

C-Band Alliance

Bill Tolpegin, Chief Executive Officer

Preston Padden, Head of Advocacy & Government Relations

Jennifer Hindin, Counsel for the C-Band Alliance, Wiley Rein LLP

Henry Gola, Counsel for the C-Band Alliance, Wiley Rein LLP

Michele Farquhar, Counsel for the C-Band Alliance, Hogan Lovells US LLP

Auctionomics Inc.

Gary Epstein, Senior Advisor to Auctionomics

Intelsat

Bruno Fromont, Senior Vice President, Strategy & Asset Management

Susan Crandall, Associate General Counsel

Eileen McGowan, Senior Product Manager, Media

SES

Christophe De Hauwer, Chief Strategy & Development Officer

Steve Corda, Vice President, North America Media Platform - SES Video

Petra Vorwig, Senior Legal & Regulatory Counsel

Andrea Kociancic, Senior Vice President, Fleet & Asset Management

Attachment B

Wireless Telecommunications Bureau

Don Stockdale

Roger Noel

Blaise Scinto

Anna Gentry

Peter Daronco (via phone)

Joyce Jones (via phone)

Matthew Pearl (via phone)

Dana Shaffer (via phone)

Jeff Tignor (via phone)

International Bureau

Thomas Sullivan

Jose Albuquerque

Diane Garfield

Jim Schlichting

Office of Engineering and Technology

Julius Knapp

Michael Ha

Jamison Prime

Bahman Badipour

Ira Keltz

Media Bureau

Barbara Kreisman

Office of Strategic Planning and Policy Analysis

Giulia McHenry

Evan Kwerel (via phone)

Attachment C

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C-Band Alliance

Meeting With FCC Bureau Leadership & Staff

November 15, 2018



Our “Ask”

- Conclude the rulemaking as soon as possible and choose our market based proposal as the mechanism to clear and repurpose 200 MHz of C-band spectrum
- Amend the Table Of Allocations to provide co-primary mobile wireless use of those frequencies subject to secondary market agreements with the C-band Alliance Members
- Grant flexible use licenses to the parties to those secondary market agreements

Our Objectives

- The record demonstrates that continuing to provide 99.999% reliable C-band services to our customers is a public interest priority
- Retaining 300 MHz will enable us to continue serving all customers in C-band
- The record also demonstrates the need to find mid-band spectrum for 5G, particularly to serve areas beyond dense urban canyons
- Our proposal is a good faith and voluntary effort to respond to that need

Secondary Market Transactions Are The Fastest And Most Efficient Way To Get This Spectrum In The Hands Of Carriers

- The FCC's auction calendar is quite full
- Our proposal does not require another rulemaking to set auction procedures – we can move quickly
- We have retained Auctionomics to help design our process
- We will send certified letters inviting the participation of prospective bidders
- Our intention is to produce a politically acceptable outcome
 - Not all or almost all sold to one buyer
 - Special consideration for smaller regional carriers



The “Windfall” Concern Is Misplaced

- The proceeds that the Alliance Members will receive provide the incentive for the costly and difficult job of clearing 200 MHz
- We respectfully urge that the public policy priority should be getting the spectrum to the carriers quickly
- The Alliance Members have invested \$Billions in building out their space segment and earth station infrastructure
- Alliance Member shareholders invested based on these spectrum assets, the customer base and the revenue stream and should be compensated for relinquishing rights; management has a fiduciary responsibility to ensure as much

Deference To FCC

- We are prepared to do the “heavy lifting” to clear the spectrum
- While we would appreciate as much flexibility as the Commission can permit, the FCC will retain full authority over the process
- We would like to work with the Commission and with the carriers on all the technical rules - power levels, OOB, etc. - in the hope of reaching a consensus; we have already done much technical work
- Of course the Commission will have total authority to set the rules and to approve the flexible use licenses

There Is Wide And Broad Support For The CBA Plan

- Widespread support in FCC Comments for CBA plan
- Supporters include commercial aviation industry, C-band satellite operators, Internet service providers, broadcasters, nonpartisan think tanks, content distributors, video programmers and programming networks, data and telecommunications equipment providers, satellite transmission companies, industry associations, wireless carriers, and non-profit associations
- No other proposal enjoys anywhere near this level of support

Opponents Of CBA Plan Have Other Agendas

- T-MO wants to slow our process until their merger is resolved.
Great company, great people but can't hold 5G for America hostage to T-MO's second attempt to merge with Sprint
- Cable companies should be commended for making the investments to bring all of us high speed broadband. But, understandably, they are not eager to have competition from 5G wireless so they want to pour regulatory sand into the gears of the CBA process



Mobile World Congress Americas, Los Angeles, Sept '18

Cable hopes to delay competition from 5G wireless!

FCC Should Reject The BAC & “No Customers/No Revenues” Satellite Carriers’ Proposals

- The BAC proposal for P2MP in the reduced FSS band and eliminate full arc/band was widely panned by most commenting parties
- The FSS operators need full arc/band even more to clear 200 MHz and operate in a reduced band
- An opportunistic group of FSS carriers, who admit to having no U.S. customers and no U.S. revenues, are attempting to use the regulatory process to get paid off
- CBA will reimburse them for any costs associated with protecting their customers; they do not deserve to be compensated for non-existent lost revenues and are free to start a U.S. C-band business in 300 MHz